

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Kenneth W. Adams,)	
)	
Plaintiff,)	C.A. No. 6:08-3212-HMH-WMC
)	
vs.)	OPINION & ORDER
)	
Michael J. Astrue, Commissioner of)	
Social Security Administration,)	
)	
Defendant.)	

This matter is before the court on Plaintiff Kenneth W. Adams’ (“Adams”) motion for attorney’s fees, expenses, and costs pursuant to the Equal Access to Justice Act (“EAJA”). See 28 U.S.C. § 2412(d). On November 5, 2009, the court reversed the Commissioner’s decision denying Adams’ claim for social security disability benefits and remanded the case to the Commissioner for an award of benefits. Adams seeks attorney’s fees for services rendered in the amount of Four Thousand Nine Hundred Seventy-Five Dollars and Fifty-Eight Cents (\$4,975.58) (calculated at \$168.95 per hour for 29.45 hours).¹ Additionally, Adams seeks expenses in the amount of Sixteen Dollars (\$16.00) and costs in the amount of Three Hundred Fifty-Seven Dollars (\$357.00). The Commissioner does not object to the payment of the requested attorney’s fees, expenses, and costs.² Further, the court finds the hourly rate and number of hours to be reasonable.

¹ “[A]ttorney’s fees under the EAJA are payable to the claimant, not the attorney” and “it is settled law that the attorney does not have standing to apply for the EAJA fees; that right belongs to the prevailing party.” Stephens v. Astrue, 565 F.3d 131, 137-38 (4th Cir. 2009) (internal quotation marks omitted).

² Costs are paid from the Department of Justice Judgment Fund.

It is therefore

ORDERED that Adams is awarded attorney's fees in the amount of Four Thousand Nine Hundred Seventy-Five Dollars and Fifty-Eight Cents (\$4,975.58), expenses in the amount of Sixteen Dollars (\$16.00), and costs in the amount of Three Hundred Fifty-Seven Dollars (\$357.00).

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
February 22, 2010